

Christina Bambrick  
TR 3:30-4:45 in PAR 206  
Fall 2017

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Office Hours: T 2-3:30, F 12:30-2  
in MEZ 3.224

## GOV 312P (38645) Constitutional Principles: Core Texts

In *Federalist* 1 Alexander Hamilton describes the project of the American framers to establish a constitution through “reflection and choice” rather than “accident and force.” Ultimately the 1787 Constitution was a product of extensive compromise, as different philosophical and political commitments informed the kinds of choices that different camps would pursue for the young country.

In this class we will study the political philosophical traditions that shaped the constitutional debates and eventually the American constitutional order. In particular, we will look at the republican tradition as represented by Aristotle, and the liberal tradition as represented by John Locke. After gaining some familiarity with these thinkers, we will be in a position to understand more deeply the commitments and preoccupations of the American Federalists and Anti-Federalists when we read the ratification debates. Finally, in studying Alexis de Tocqueville’s observations of the Early Republic, we will see that these philosophical traditions and corresponding constitutional choices have consequences beyond the Constitution’s text. Even today these traditions continue to animate and define life in the American polity.

That the Constitution was the result of compromise will be evident throughout the class. Most strikingly, America’s original sin of slavery poses vital challenges to many of the ideals and commitments we encounter in studying the Constitution’s foundations. Moreover, even those values that do seem to coexist productively sometimes collide--equality vs. liberty, security vs. local autonomy, democracy vs. individual rights. The framers sought to create a Constitution from reflection and choice. With the diversity of commitments and ideas informing the American constitutional order, however, perhaps the best we can hope for is a Constitution of constant striving, but never fully realized.

### **Texts:**

1. Aristotle, *The Politics*. Cambridge Texts in the History of Political Thought. ISBN 0521357314.
2. John Locke, *Second Treatise of Government*. Hackett Publishing Company. ISBN 091514560X.
3. Hamilton, Madison, Jay. *The Federalist Papers*. Introduction by Charles Kesler, edited by Clinton Rossiter. Signet Classics. ISBN 0451528816.
4. *The Anti-Federalist: An Abridgement*. Edited by Herbert Storing, selected by Murray Dry. The University of Chicago Press. ISBN 0226775658.
5. Alexis de Tocqueville. *Democracy in America*. Trans. Arthur Goldhammer. The Library of America. ISBN 1931082545.

6. Other materials will be available on Canvas and online.

**I strongly recommend that you purchase the specified editions. They are all available at the Co-op Bookstore.**

**Course Requirements:**

Grades will be based on two written in-class exams, one 5-7 page paper, preparatory assignments for the paper, and quizzes and participation.

<b>Exam 1</b>	<b>(Oct. 10)</b>	25%
<b>Exam 2</b>	<b>(Dec. 7)</b>	25%
<b>Paper Prep</b>	<b>(Oct. 3 and 26)</b>	10%
<b>Paper</b>	<b>(Nov. 16)</b>	25%
<b>Quizzes/Participation</b>		15%

I permit make-up exams only if students produce documentation of accident, illness, or university or legal obligation. Unexcused absence will result in a score of zero for that exam.

I will give regular pop quizzes based on a given day's reading assignment. These quizzes are designed simply to see that you have done the reading. If you do the reading, you will not have any trouble with them. I will drop the lowest quiz grade, with the exception of the **Constitution Quiz** on **October 17**.

If you do not plan to attend class, then this course is not for you. Attendance and participation are both essential for success. I expect you to attend class having completed the assigned reading and ready to engage in discussion. We will have good opportunities for debate in this course, and everyone will benefit if you do your part by reading.

Each class I will call roll for a portion of the class roster. You may have 3 unexcused absences over the semester without penalty. After that, you will lose one grade level (or 3 points) from your final grade for each unexcused absence. Feel free to ask me if you'd like an update on your attendance record at any point.

If you wish to appeal a grade, please submit a 500 word statement within 10 calendar days of receiving your grade. These statements should demonstrate that you have read and understood my feedback, and make an argument for reconsideration. I will not consider appeals submitted after 10 days.

### **Grade Scale:**

A:	93-100
A-:	90-92
B+:	87-89
B:	83-86
B-:	80-82
C+:	77-79
C:	73-76
C-:	70-72
D+:	67-69
D:	63-66
D-:	60-62
F:	Less than 60

Without exception, I will round up scores of 0.5 and higher and round down scores of less than 0.5.

**Technology:** I discourage laptops as they tend to hinder learning and discussion. However, if you choose to use one please sit in the back of the classroom so you do not distract others. I reserve the right to ask all students to close their laptops during certain parts of lecture and discussion. So it is in your best interest to keep a notebook on hand, too. Cell phones should be silent and stowed away, out of sight.

**Academic Dishonesty/Cheating:** I have a zero tolerance policy for cheating, and expect students to adhere to the UT Honor Code: *The core values of the University of Texas at Austin are learning, discovery, freedom, leadership, individual opportunity, and responsibility. Each member of the University is expected to uphold these values through integrity, honesty, trust, fairness, and respect toward peers and community.*

Review these links for more information on plagiarism, academic integrity, and UT's policies: <http://deanofstudents.utexas.edu/conduct/>  
<http://www.lib.utexas.edu/services/instruction/learningmodules/plagiarism>

**Students with Disabilities:** Students may request academic accommodations from the Division of Diversity and Community Engagement, Services for Students with Disabilities. Please inform me within the first two weeks of classes if you intend to use such accommodations.

**Religious Holy Days:** By UT policy, you must notify me of your absence at least fourteen days prior to the date of observance of a religious holy day.

## Class Schedule:

### What is a constitution?

- Aug. 31 Introduction
- Sept. 5 Walter Murphy, "Introduction" in *Constitutional Democracy* (Canvas)  
Charles McIlwain, "The Ancient Conception of a Constitution" in  
*Constitutionalism: Ancient and Modern* (Canvas)

### Aristotle

- Sept. 7 *The Ethics* Books I-II, V. 6-7 (Canvas)
- Sept. 12 *The Ethics* Book X. 9 (Canvas)  
*The Politics* Book I
- Sept. 14 *The Politics* Book 3
- Sept. 19 *The Politics* Book 4
- Sept. 21 *The Politics* Books 7-8  
(Paper Topics Released)

### John Locke

- Sept. 26 *Second Treatise of Government* Ch. 1-5
- Sept. 28 *Second Treatise of Government* Ch. 6-8
- Oct. 3 **\*Thesis Statement Due (1 page)\***  
*Second Treatise of Government* Ch. 9-14, 19
- Oct. 5 Catch-up and Review
- Oct. 10 **\*Exam 1\***

### The United States Constitution

- Oct. 12 U.S. *Declaration of Independence* (Online or in *Federalist Papers* volume)  
Constitution of the United States including the Preamble and amendments  
(Online or in *Federalist Papers* volume)

Fragment on the Constitution and Union (Online:  
<http://teachingamericanhistory.org/library/document/fragment-on-the-constitution-and-union/>)

Alec Ewald, "The American Republic: 1760-1870" (Canvas)

Oct. 17      **\*Constitution Quiz\***

Frederick Douglass, *What to the Slave is the Fourth of July?* (Online:  
<http://teachingamericanhistory.org/library/document/what-to-the-slave-is-the-fourth-of-july/>)

Elizabeth Cady Stanton, *Declaration of Sentiments* (Online:  
<http://teachingamericanhistory.org/library/document/declaration-of-sentiments/>)

Rogers Smith, "Introduction" in *Civic Ideals* (Canvas)

Short research assignment using [www.constituteproject.org](http://www.constituteproject.org)

The Federalists and Antifederalists

Oct. 19      Articles of Confederation (Online or in the *Federalist Papers* volume)  
*Federalist Papers* No. 1 and 39  
*The Antifederalist*: Patrick Henry 5.16.1-2, Federal Farmer 1

Oct. 24      *Federalist Papers* No. 9 and 10  
*The Antifederalist*: Brutus I, An Old Whig IV

Oct. 26      **\*Analytical Outline (2-3 pages) and Optional First Draft Due\***  
*Federalist Papers* No. 47-48, 51  
*The Antifederalist*: Centinel I  
George Mason's "Objections" (Canvas)

Oct. 31      *Federalist Papers* No. 78  
*The Antifederalist*: Brutus XV

Nov. 2      *Federalist Papers* No. 84  
*The Antifederalist*: Brutus II  
Wilson Speech (Canvas)  
Virginia Declaration of Rights (Canvas)

Alexis de Tocqueville

Nov. 7      *Democracy in America*, Introduction and I.1.2

Nov. 9      TBD

Nov. 14      *Democracy in America* I.1.3-4, I.2.1, I.2.7, II.2.1

Nov. 16      **\*Paper Due (5-7 pages)\***  
*Democracy in America* I.2.9

Nov. 21      *Democracy in America* II.2.2-8

*Thanksgiving*

Nov. 28      *Democracy in America* II.2.9-15

Nov. 30      *Democracy in America* II.2.20, II.4.4-8

Dec. 5        Conclusion, Catch-up, and Review

Dec. 7        **\*Exam 2\***